

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NOS. 2:08-00070
2:16-00021

TIMOTHY L. LEFTENANT

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On July 29, 2021, the United States of America appeared by Kathleen Robeson, Assistant United States Attorney, and the defendant, Timothy L. Leftenant, appeared in person and by his counsel, Andrew J. Katz, Esq., for a hearing on a petition and amended petition, filed in each of the above criminal actions, seeking revocation of supervised release in each of the criminal actions, submitted by United States Probation Officer Justin L. Gibson. The defendant commenced a twenty-two (22) month term of supervised release on Count One and a forty-six (46) month term of supervised release on Count Two in criminal action 2:08-00070, and a twenty-eight (28) month term of supervised release in criminal action 2:16-00021, on

August 11, 2020, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on July 21, 2020.

The court heard the admissions and objections of the defendant, the evidence adduced by the parties, and the representations and arguments of counsel.

Pursuant to the court's findings of fact and conclusions of law as enumerated in open court on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in each criminal action in the following respects: (1) on October 19, 2020, in the evening hours, the defendant, who was operating a tow truck for Elite Towing in a residential area of Groveport, Ohio, had a verbal altercation with a resident who was known by him to be unarmed and the defendant, as he was driving from the residential area, shot six to eight rounds from a .40 caliber Smith & Wesson firearm, four of which struck the house in which the resident was living and the defendant thereby did commit offenses under Ohio law consisting of felonious assault, discharging a firearm into an area of habitation, and possession of a firearm by a person with a disability, being

that of a convicted felon, all in violation of Ohio state law;
(2) on that same date the defendant violated the terms and conditions of his supervised release when he knowingly possessed and fired the Smith & Wesson firearm, at which time the defendant knew he was a convicted felon and was not allowed to possess a firearm under federal law, and thereby committed the federal offense of convicted felon in possession of a firearm; all as set forth in the petition and by the court's findings on the record of the hearing.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release in each criminal action and, further, that it would unduly depreciate the seriousness of the violations if supervised release in each of the two criminal actions was not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in criminal action numbers 2:08-00070, Count One and Count Two, and 2:16-00021, be, and it hereby is, revoked.

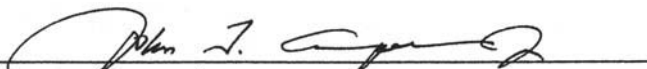
And the court having complied with the requirements of Rule 32.1(b)(2) and (c)(1) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth

in 18 U.S.C. § 3583 (e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TEN (10) MONTHS on Count One and SIXTEEN (16) MONTHS on Count Two in criminal action no. 2:08-00070, and SIXTEEN (16) MONTHS in criminal action no. 2:16-00021, which terms of imprisonment shall all run concurrently with each other, resulting in a total period of SIXTEEN (16) MONTHS imprisonment, with no further term of supervised release imposed in any of the criminal actions.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: August 12, 2021


John T. Copenhaver, Jr.
Senior United States District Judge